

## **REMARKS/ARGUMENTS**

Claim 4 is pending in the application. Claims 1-3 were previously canceled without prejudice or disclaimer, new claims 5-10 have been added. No new matter has been added. Reconsideration of the claims is respectfully requested.

Applicant has resubmitted the Information Disclosure Statement filed on September 10, 2003 to comply with 37 CFR 1.98(a) requirements. Applicant requests that Examiner now consider the information being forwarded to the Patent Office with this response documentation.

In paragraph 2 on page 2 of the Office Action, claim 4 is rejected under 35 U.S.C. §102 (b) as being anticipated by Harby (US Patent No. 2052623).

Harby is directed to a method of reinforcing a file folder. The word "reinforcement" appears dozens of time. No where in the document is there the slightest mention of preventing slippage. That is not the teaching of Harby. Furthermore, the location of the reinforcement could not have been used for slippage control because it was located on the inside surface of the folder and indeed obscured by the front panel thereof. See figure 1. Thus it cannot be the basis of a prima facie rejection under 35 USC sec 102. Nor can it be the basis of rejection under sec 103. MPEP section 2143 states:

### **2143 Basic Requirements of a Prima Facie Case of Obviousness**

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Harby is simply not directed to the claimed invention.

To remove any doubt, claim 4 has been amended to make clear that the gripping locations are on the exterior of the folder. That should remove any doubt of its patentability.

Claims 5 and 6 are new claims directed to methodologies which make the nesting of folders possible such as shown in figure 6 of the present application.

Claims 7-8 relate to the addition of a material which further inhibits slippage.

None of these features is shown in the art of record.

Claim 10 relates to a hanging folder such as illustrated in Figs. 9 and 10 which locate the gripping structures on the exterior below the support bar so that they can assist in gripping. In the prior art, as mentioned above, there is no gripping advantage by placing the corrugations in the wrong place.

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

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